

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

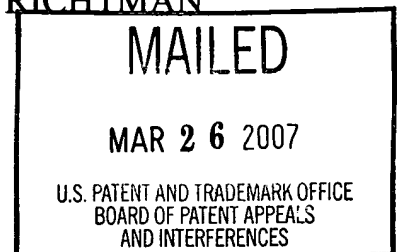
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*Ex parte* CHRISTOPHER M. GLENNA and PAUL J. RICHTMAN

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Application 10/664,429  
Technology Center 1700

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on December 20, 2006. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

*APPEAL BRIEF*

Appellants filed an Appeal Brief which was received by the USPTO on April 10, 2006. The headings contained in the Brief are not in compliance with 37 C.F.R. § 41.37(c)(1). In addition, the following sections lack required content:

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*Summary of Claimed Subject Matter*

The content provided under the section “**Summary of Invention**” (which should be “**Summary of Claimed Subject Matter**”) is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v) because the content does not give a concise explanation of the subject matter defined in each of the independent claims involved in the appeal.

*Grounds of rejection to be reviewed on Appeal*

The content provided under the heading “**Issues**” (which should be “**Grounds of Rejection to be Reviewed on Appeal**”) does not give an accurate and concise statement identifying the grounds of rejection presented for review.

*Evidence and Related Proceedings Appendices*

Two required headings are mislabeled as “Appendix B,” and “Appendix C.” The headings should be relabeled as follows:

Evidence Appendix as required by 37 C.F.R. § 41.37(c)(1)(ix);  
and the

Related Proceedings Appendix as required by 37 C.F.R. § 41.37(c)(1)(x).

As specified above, correction is required.


Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- (1) to instruct Appellants to provide a Supplemental Appeal Brief which fully complies with 37 C.F.R. § 41.37(c) (and to correct content related to sections 37 C.F.R. § 41.37(c)(1)(v), (c)(1)(vi), (c)(1)(ix), and (c)(1)(x));
- (2) to have said Supplemental Appeal Brief made a part of the IFW

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Official record; and  
(3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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